

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4696 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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NANUBHAI B PATEL

Versus

ASSISTANT COLLECTOR

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Appearance:

MR RC JANI for Petitioner

MS PS PARMAR for Respondent

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 27/02/97

ORAL JUDGMENT

Heard learned counsel for the parties.

2. This case is identical to Special Civil Application No.4602 of 1986 decided by this Court today. In this case also, the petitioner has been granted temporary lease in the land bearing Surevy No.224 by Chanasma Nagar Panchayat and the petitioner herein also has raised construction of shop. Moreover, in this case

the orders similar to the orders made in aforesaid Special Civil Application have been made by respondents. The respondents have not filed reply in this case, but same arguments have been advanced by the counsel for respondents.

3. This being identical matter, it also deserves to be disposed of in the same manner as it has been ordered in Special Civil Application No.4602 of 1986. In the result, this Special Civil Application is disposed of in terms that the petitioner, if he so desires, may make an application to the District Collector, Mehsana, in respect of regularization of his possession over the land in dispute as well as constructed shop. On receipt of such application, the District Collector, Mehsana, shall consider the same sympathetically in the light of observations made by this Court in judgment in Special Civil Application No.4602 of 1986, within a period of six months. Till then, interim relief granted shall continue. In case the application of the petitioner for regularization of his possession and construction over disputed land is not acceptable, the District Collector, Mehsana, shall pass a reasoned order and a copy of the same may be sent to the petitioner by registered post. Rule stands disposed of in aforesaid terms with no order as to costs.

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(sunil)